REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested.

Status of the Claims

Claims 8, 24-30, and 40 were previously canceled.

Claims 9-14, 41-48, and 51-53 were previously withdrawn from further consideration without prejudice or disclaimer of the subject matter recited therein, as being drawn to a non-elected invention.

No claims have been amended.

No new matter has been added.

The listing of claims is presented as a courtesy to the Examiner.

Claims 1-7, 9-23, 31-39, 41-49, and 50-56 are pending.

Election/Restriction

Applicants acknowledge the finality of the restriction requirement. However, Applicants respectfully disagree as to the propriety of the restriction requirement. The Examiner asserts that restriction is proper even though the claims have been previously examined and can be classified in the same group and subgroup because "Group II clearly contains inventive features that are not found in Group I." Restriction is only proper when the claims are directed to two or more inventions that are independent or distinct. The mere inclusion of "inventive features" in claims does not support a proper restriction requirement. Further, as set forth in MPEP §808.02, the Examiner "must explain why there would be a serious burden." Here, there can be no serious burden since the present application has been the subject of three Office Actions in which the Examiner has already performed searches on all the features of the present claims, and as the Examiner indicates, the groups identified by the Examiner are in the same class and subclass.

Rejection Under 35 U.S.C. §102

Claims 1-7, 15-23, 31-39, 49, 50 and 54-56 were rejected under 35 U.S.C. §102(e) as being anticipated by Gomez. Applicants respectfully traverse the rejection.

Independent claim 1 recites a game machine including a reel display module and a "measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module *passes through* at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels" (emphasis added). As described in the Specification, this count represents, for example, the number of times the special symbol passes the payline while the reels are spinning. *See* Specification, p. 16, lines 1-7. Also claimed in claims 6, 7, 22, 23, 38, and 39. It is respectfully submitted that Gomez does not disclose at least this feature of the presently claimed invention.

Gomez describes a chain reaction game played on a gaming machine. *See* Gomez, col. 7, lines 11-12. The chain reaction game of Gomez utilizes game elements (symbols) in a grid or matrix. *See* Gomez, col. 7, lines 19-21. The primary premise of the chain reaction game of Gomez is to create a randomized first result of symbols, evaluate the result, transform the symbols, rearrange the symbols, and evaluate the new arrangement. *See* Gomez, col. 1, lines 62-67.

Contrary to the Examiner's assertions, Gomez does not disclose a gaming machine having a reel display with a measuring module that counts the number of times a special symbol passes through a region. In the chain reaction game of Gomez, a user is presented an initial deal of randomized symbols in a grid or matrix. *See* Gomez, col. 9, lines 60-65. The initial deal is analyzed for "winning combinations," which include "three matching symbols" vertically in a column or horizontally in a row. *See* Gomez, col. 10, lines 8-36. The number of winning combinations is then multiplied by a multiplier to award the player a number of credits. *See* Gomez, col. 10, lines 37-48. The winning combinations are then removed from the matrix, and the symbols are rearranged according to the empty locations in the matrix. *See* Gomez, col. 10, lines 49-60. Gomez does not disclose, or even contemplate spinning of reels and counting a number of times a special symbol passes through a region while the reels are spinning. The credits awarded to a player of the chain reaction game of Gomez is solely based on the arrangement of symbols in the matrix.

For at least the reasons discussed above, Gomez does not disclose each and every element of independent claim 1. Because Gomez does not disclose each and every element of independent claim 1, Gomez cannot anticipate independent claim 1, or its dependent claims. Withdrawal of the rejection of independent claim 1, and dependent claims 2-7, 15, 16, and 54 under 35 U.S.C. §102(e) based on Gomez is respectfully requested.

Independent claim 17 recites features similar to those discussed above with respect to claim 1. Specifically, independent claim 17 recites a game machine having a storage module that stores a count "that is a number of times said special symbol of each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels."

Accordingly, for at least the reasons discussed above, Gomez does not disclose each and every element of independent claim 17. Because Gomez does not disclose each and every element of independent claim 17, Gomez cannot anticipate independent claim 17, or its dependent claims. Withdrawal of the rejection of independent claim 17, and dependent claims 18-23, 31, 32, 49, and 50 under 35 U.S.C. §102(e) based on Gomez is respectfully requested.

Independent claim 33 recites features similar to those discussed above with respect to claim 1. Specifically, independent claim 33 recites a method of playing a game including the step of "storing a count that is a number of times said special symbol of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels."

Accordingly, for at least the reasons discussed above, Gomez does not disclose each and every element of independent claim 33. Because Gomez does not disclose each and every element of independent claim 33, Gomez cannot anticipate independent claim 33, or its dependent claims. Withdrawal of the rejection of independent claim 33, and dependent claims 34-39, 55, and 56 under 35 U.S.C. §102(e) based on Gomez is respectfully requested.
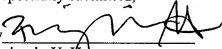
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issues can be resolved through either a Supplemental Response or an Examiner's Amendment. In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By

Benjamin Y. Yian
    Registration No.: 60,700
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorney For Applicants